

E-FILED: February 27, 2013

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THINK COMPUTER CORPORATION,

No. C11-05496 HRL

Plaintiff,

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S COUNSEL'S
MOTION TO WITHDRAW**

v.

[Re: Docket No. 45]

ROBERT VENCHIARUTTI, in his official
capacity as Deputy Commissioner of the
California Department of Financial Institutions;
WILLIAM HARAFA, in his official capacity as
commissioner of the California Department of
Financial Institutions; TRACI STEVENS, in her
official capacity as Acting Secretary of the
California Business, Transportation and Housing
Agency; JACOB A. APPELSMITH, in his
official capacity as Senior Advisor to the
Governor of the State of California; EDMUND
G. BROWN, JR., in his official capacity as
Governor of the State of California; and
KAMALA HARRIS, in her official capacity as
Attorney General of the State of California,

Defendants.

Attorney Michael Brooks Carroll moves for leave to withdraw as plaintiff Think
Computer Corporation's co-counsel of record. The court's docket indicates that Carroll is
plaintiff's California counsel. Plaintiff is also represented by a Massachusetts attorney who has
been admitted pro hac vice in this action. The court has received no objections to the request,
and plaintiff stipulates to the withdrawal. Nevertheless, for the reasons stated below, the

request is denied.

“Counsel may not withdraw from an action until relieved by order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case.” CIV. L.R. 11-5(a). “In the Northern District of California, the conduct of counsel is governed by the standards of professional conduct required of members of the State Bar of California, including the Rules of Professional Conduct of the State Bar of California.” Hill Design Group v. Wang, No. C04-521 JF (RS), 2006 WL 3591206 at *4 (N.D. Cal., Dec. 11, 2006) (citing Elan Transdermal Limited v. Cygnus Therapeutic Systems, 809 F. Supp. 1383, 1387 (N.D. Cal.1992)). Although no reason is given for Carroll’s request to withdraw, plaintiff consents to it. And, the California standards of professional conduct provide that an attorney may seek permission to withdraw if, among other things, the client knowingly and freely assents to termination of the employment. Cal. Rules of Professional Conduct Rule 3-700(C)(5).

Even so, plaintiff can only proceed through an attorney. See CIV. L.R. 3-9(b) (“A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court”); see also Rowland v. California Men’s Colony, 506 U.S. 194, 201-02 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel”); In Re Highley, 459 F.2d 554, 555 (9th Cir. 1972) (“A corporation can appear in a court proceeding only through an attorney at law”). And, plaintiff’s Massachusetts counsel, appearing here on a pro hac vice basis, must have co-counsel who is a member of the bar of this court in good standing and who maintains an office within the State of California. CIV. L.R. 11-3(a)(3).

Accordingly, the request to withdraw is denied, without prejudice to renew it upon plaintiff’s retention of other appropriate California counsel who enters an appearance on his behalf in this matter.

SO ORDERED.

Dated: February 27, 2013


 HOWARD R. LOYD
 UNITED STATES MAGISTRATE JUDGE

United States District Court

For the Northern District of California

5:11-cv-05496-HRL Notice has been electronically mailed to:

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